



DOCKET NO.: 358834US0PCT

OBLON
SPIVAK

ATTORNEYS AT LAW

 COMMISSIONER FOR PATENTS
 ALEXANDRIA, VIRGINIA 22313

ATTN: PETITIONS OFFICE

RECEIVED

JUN 08 2010

OFFICE OF PETITIONS

RE: Application Serial No.: 09/744,437

Patent No.: 6,297,407

Applicants: Alois KINDLER, et al.

Filing Date: January 24, 2001

Issued: October 2, 2001

For: METHOD FOR PRODUCING ALKYNE DIOLS

SIR:

Attached hereto for filing are the following papers:

**PETITION UNDER 37 C.F.R. §1.378(B) TO ACCEPT AN UNAVOIDABLY DELAYED
 PAYMENT OF A MAINTENANCE FEE IN EXPIRED PATENT TO REINSTATE PATENT;
 DECLARATION IN SUPPORT OF PETITION UNDER 37 C.F.R. 1.378(B) (EXECUTED)**

Credit card payment is being made online (if electronically filed), or is attached hereto (if paper filed), in the amount of **\$4,160.00** to cover any required fees. In the event any variance exists between the amount enclosed and the Patent Office charges for filing the above-noted documents, including any fees required under 37 C.F.R. 1.136 for any necessary Extension of Time to make the filing of the attached documents timely, please charge or credit the difference to our Deposit Account No. **15-0030**. Further, if these papers are not considered timely filed, then a petition is hereby made under 37 C.F.R. 1.136 for the necessary extension of time.

Respectfully submitted,

 OBLON, SPIVAK, McCLELLAND,
 MAIER & NEUSTADT, L.L.P.


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(OSMMN 10/09)

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Application No. 09/744,437
Petition Under 37 CFR 1.378 (B)
DOCKET NO.: 358834US0PCT/so



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

RECEIVED

IN RE PATENT NO: 6,297,407
APPLICATION NO: 09/744,437

JUN 08 2010

FILED: January 24, 2001

ATTN: PETITIONS OFFICE

OFFICE OF PETITIONS

KINDLER ET AL.

ISSUED: OCTOBER 2, 2001

FOR: METHOD FOR PRODUCING ALKYNE DIOLS

**PETITION UNDER 37 C.F.R. 1.378(B) TO ACCEPT AN UNAVOIDABLY DELAYED
PAYMENT OF A MAINTENANCE FEE IN EXPIRED PATENT TO REINSTATE
PATENT**

COMMISSIONER FOR PATENTS
ALEXANDRIA, VA 22313-1450

SIR:

Patentee hereby petitions the Commissioner to accept the late payment of the first maintenance fee for U.S. Patent No. 6,297,407 to hold the lapse of this patent to have been due to unavoidable delay and to reinstate the patent.

- (1) The first and second maintenance fees are attached.
- (2) The surcharge of \$700.00 as set forth in 37 CFR 1.20(i)(1) is herewith submitted.
- (3) A statement that the entire delay in paying the required maintenance fee from the due date of the payment until the filing of a grantable petition pursuant to 37 CFR 1.378(b) was unavoidable, is given hereby and included in the declaration of unavoidable delay by Dr. Anke Jacobs, Senior Patent Counsel of BASF SE, the assignee of the entire right, title, and interest in this patent, which is enclosed herewith.

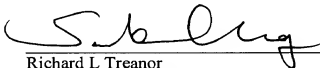
Therefore, since all the conditions are believed to have been met, it is therefore requested that the petition be GRANTED, that the abandonment of this patent be withdrawn, and that this patent be reinstated.

Confirmation of the timely granting of this Petition is respectfully requested by facsimile to the undersigned Petitioners at (703) 413-2220.

The Commissioner is hereby authorized to charge any deficiency in the payment of the required fees or credit any overpayment to Deposit Account Number 15-0030.

Respectfully Submitted,

OBLON, SPIVAK, McCLELLAND,
MAIER & NEUSTADT, L.L.P.



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DOCKET NO.: 358834US0PCT/soc

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

IN RE PATENT NO: 6,297,407
APPLICATION NO: 09/744,437

FILED: January 24, 2001 ATTN: PETITIONS OFFICE

KINDLER ET AL.

ISSUED: OCTOBER 2, 2001

FOR: METHOD FOR PRODUCING ALKYNE DIOLS

RECEIVED

JUN 08 2010

OFFICE OF PETITIONS

DECLARATION IN SUPPORT OF PETITION UNDER 37 C.F.R. 1.378(B)

COMMISSIONER FOR PATENTS
ALEXANDRIA, VIRGINIA 22313

Sir:

Now comes Dr. Anke Jacobs who deposes and states that:

1. I am Senior Patent Counsel of BASF SE, the assignee of the entire right, title and interest in the above-identified patent.
2. I submit that the entire delay in paying the required maintenance fee from the due date for the payment until the filing of a grantable petition was unavoidable. The facts concerning this matter are as follows:

(1) On January 24, 2001, the U.S. Application No. 09/744,437 was filed in the U.S. Patent and Trademark Office by KEIL & WEINKAUF (hereafter "KEIL") by order of BARDELE, PAGENBERG, DOST, ALTENBURG, GEISLER, ISENBRUCK (hereafter "ISENBRUCK") who was the authorized patent agent office in Germany of BASF SE.

(2) On July 9, 2001, ISENBRUCK notified BASF SE that the issue fee for U.S. Application No. 09/744,437 was paid.

(3) As of June 30, 2002, BASF SE has used an internal electronic database for maintenance fee records. These records are sent to a service provider who pays the maintenance fees in the name of BASF SE.

(4) On February 01, 2005, KEIL merged with the intellectual property practice of NOVAK DRUCE & QUICK LLP (hereafter "NOVAK"). On that day NOVAK took charge of U.S. 6,297,407.

(5) On March 18, 2010, BASF instructed NOVAK to transfer the file for U.S. 6,297,407 to OBLON SPIVAK McCLELLAND MAIER & NEUSTADT, LLP (hereafter "OBLON").

(6) On March 30, 2010, NOVAK informed OBLON that the file for U.S. 6,297,407 would be transferred to OBLON, and indicated the status of U.S. 6,297,407 as "Patent expired."

(7) On April 23, 2010, ISENBRUCK sent an email to OBLON inquiring as to the status of U.S. 6,297,407, noting that the USPTO listed the patent as expired, but that BASF SE's internal records showed U.S. 6,297,407 as alive and a pending application so that no annuities have to be paid.

(8) On April 28, 2010, OBLON informed ISENBRUCK that NOVAK had informed OBLON on March 30, 2010, that the status of U.S. 6,297,407 was "Patent expired."

(9) On May 5, 2010, BASF SE sent a letter to OBLON inquiring as to the possible revival of U.S. 6,297,407 and indicating that BASF SE was unaware that the electronic database had not indicated U.S. Application No 09/744,437 as a granted case in the records but still as a pending application. Therefore the service provider was not informed to pay any maintenance fees for U.S. 6,297,407. It was only at that point that BASF SE became aware of the expiration of the above-identified patent due to a failure to pay the first and second maintenance fee.

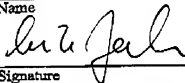
(10) After ISENBRUCK notified BASF SE that they paid the issue fee, BASF SE was notified of none of the following: (1) the first maintenance fee was due; (2) the first maintenance fee had not been paid; and (3) the above-identified patent was expired.

(11) Since the date BASF SE learned of the expiration of U.S. 6,297,407, BASF SE and OBLON have diligently researched the facts, resulting in the present Petition and Declaration.

(12) All statements made herein of my own knowledge are true and all statements made on information and belief are believed to be true; and these statements were made with the knowledge that willful false statements and the like so made are punishable by fine and/or imprisonment under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of this application or any patent issuing thereon.

Anke Jacobs

Name



Signature

21. May, 2010

Date